

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
DIVISION**

Harvey Lewis Young  
(Print your full name)

Plaintiff *pro se*,

v.

Old Dominion  
Freight Line, Inc.

(Print full name of each defendant; an  
employer is usually the defendant)

Defendant(s).

CIVIL ACTION FILE NO.

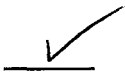
2:15-CV-0002

(to be assigned by Clerk)

**PRO SE EMPLOYMENT DISCRIMINATION COMPLAINT FORM**

**Claims and Jurisdiction**

1. This employment discrimination lawsuit is brought under (check only those that apply):



Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for employment discrimination on the basis of race, color, religion, sex, or national origin, or retaliation for exercising rights under this statute.

**NOTE:** To sue under Title VII, you generally must have received a notice of right-to-sue letter from the Equal Employment Opportunity Commission ("EEOC").

\_\_\_\_\_ Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 et seq., for employment discrimination against persons age 40 and over, or retaliation for exercising rights under this statute.

**NOTE:** To sue under the Age Discrimination in Employment Act, you generally must first file a charge of discrimination with the EEOC.

\_\_\_\_\_ Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., for employment discrimination on the basis of disability, or retaliation for exercising rights under this statute.

**NOTE:** To sue under the Americans With Disabilities Act, you generally must have received a notice of right-to-sue letter from the EEOC.

\_\_\_\_\_ Other (describe) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. This Court has subject matter jurisdiction over this case under the above-listed statutes and under 28 U.S.C. §§ 1331 and 1343.

**Parties**

3. Plaintiff. Print your full name and mailing address below:

Name Harvey Lewis Young  
Address 5248 Hopewell Lane  
Gainesville, GA 30507

4. Defendant(s). Print below the name and address of each defendant listed on page 1 of this form:

Name OLD Dominion Freight Line, Inc.  
Address 347 Henry D. Robinson Blvd.  
Pendergrass, GA 30567-4652

Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

**Location and Time**

5. If the alleged discriminatory conduct occurred at a location different from the address provided for defendant(s), state where that discrimination occurred:

\_\_\_\_\_  
\_\_\_\_\_

6. When did the alleged discrimination occur? (State date or time period)

April 22, 2014

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**Administrative Procedures**

7. Did you file a charge of discrimination against defendant(s) with the EEOC or any other federal agency? ☒ Yes ☐ No

If you checked "Yes," attach a copy of the charge to this complaint.

8. Have you received a Notice of Right-to-Sue letter from the EEOC?

☒ Yes ☐ No

If you checked "Yes," attach a copy of that letter to this complaint and state the date on which you received that letter:

October 14, 2014

9. If you are suing for **age discrimination**, check one of the following:

☐ 60 days or more have elapsed since I filed my charge of age discrimination with the EEOC

☐ Less than 60 days have passed since I filed my charge of age discrimination with the EEOC

10. If you were employed by an agency of the State of Georgia or unsuccessfully sought employment with a State agency, did you file a complaint against defendant(s) with the Georgia Commission on Equal Opportunity?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

\_\_\_\_\_ Not applicable, because I was not an employee of, or applicant with, a State agency.

If you checked "Yes," attach a copy of the complaint you filed with the Georgia Commission on Equal Opportunity and describe below what happened with it (i.e., the complaint was dismissed, there was a hearing before a special master, or there was an appeal to Superior Court):

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11. If you were employed by a Federal agency or unsuccessfully sought employment with a Federal agency, did you complete the administrative process established by that agency for persons alleging denial of equal employment opportunity?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

\_\_\_\_\_ Not applicable, because I was not an employee of, or applicant with, a Federal agency.

If you checked "Yes," describe below what happened in that administrative process:

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**Nature of the Case**

12. The conduct complained about in this lawsuit involves (check only those that apply):

☐ failure to hire me  
☐ failure to promote me  
☐ demotion  
☐ reduction in my wages  
☐ working under terms and conditions of employment that differed from similarly situated employees  
☐ harassment  
☐ retaliation  
☒ termination of my employment  
☐ failure to accommodate my disability  
☐ other (please specify) \_\_\_\_\_

13. I believe that I was discriminated against because of (check only those that apply):

☒ my race or color, which is black  
☐ my religion, which is \_\_\_\_\_  
☐ my sex (gender), which is ☐ male ☐ female  
☐ my national origin, which is \_\_\_\_\_  
☐ my age (my date of birth is \_\_\_\_\_)  
☐ my disability or perceived disability, which is: \_\_\_\_\_

☐ my opposition to a practice of my employer that I believe violated the federal anti-discrimination laws or my participation in an EEOC investigation

☐ other (please specify) \_\_\_\_\_

14. Write below, as clearly as possible, the essential facts of your claim(s). Describe specifically the conduct that you believe was discriminatory or retaliatory and how each defendant was involved. Include any facts which show that the actions you are complaining about were discriminatory or retaliatory. Take time to organize your statements; you may use numbered paragraphs if you find that helpful. Do not make legal arguments or cite cases or statutes.

On April 23, 2014 Dave Loggins Terminal Manager called me in his office. He asked me what had happened on April 22, 2014. At first I did not know what he was talking about because he did not make it clear. After further conversating I realized he was talking about Kraiburg. He did not tell me specifically. I went to Kraiburg to deliver freight. I got out of truck and went inside. A black girl started fussing saying I was at wrong door and for future reference to pull at another door. I informed her I could move the truck, she said no that was okay. She had an attitude. I was trying to accomodate her. I arrived at 11:40 am, I left there at 12:00 pm. I went to restroom and filled up my water bottle. (See Attachment)

(Attach no more than five additional sheets if necessary; type or write legibly only on one side of a page.)

①

#14

In May 2010, I was demoted because Dave Loggins said I refused dispatch however, that was not true I am a truck driver therefore, I am regulated by D.O.T rules and regulations. I did not have enough time to run. I had ran 12 hours. They wanted me to go back out but if I get caught on the road after 14 hours I would be fined by D.O.T. And one have to be off the road driving for 10 hours before they can begin driving again.

I went to talk to Dave about it. He said ok go on home. Once I got home he had ~~Mike~~ Mike ~~to~~ to call me and tell me to bring in my keys and gas cards.

Dave brought me back to work after making me think he had terminated me. However, he had not. Did not fill out application. I was off 3 days without pay. I lost my



(2)

early morning run at Publix also. A week later in dispatch area Mike asked Brian Kessler to go back out. Brian said no and Brian received no consequences. I was present when this took place.

2013

Dave accused me of taking a broken trailer off yard sent me home early and wrote me up.

Chris Johnson took a trailer loaded full of salvage to General Tire and no consequences.

Jamon McGee brought a empty trailer back from General Tire in Gainesville he was terminated on the spot.

Brian Kessler pulled wrong trailer from Durawall in Duluth and no consequences. Destinations were extremely crucial due to distances in both companies. Simeon Turner had talked with Dave about bank trying to take his home and he needed to go talk to them.

(3)

Dave told him okay but then turned around AND TERMINATED him ON THE SPOT.

Derrick McGee was terminated because Dave said freight was damaged. The claims representative stated it was not damaged. The freight was sent on to destination. Dave terminated Derrick on the SPOT.

April 22, 2014

I went to Fraiburg a black girl started fussing at me because she said I pulled up at wrong dock. I told her I would move to the dock she wanted me too. She said no but for future reference pull to a certain dock I arrived there at 11:40am, I left there at 12:00pm. I went to restroom and filled up my water bowls.

She & I discussed where we

(4)

were from and our families.  
I left under the impression everything was okay because I was just doing my job and trying to be cordial.

This was my first encounter with this individual. I was talking like I do all my customers.

On April 23, 2014

Dave Loggins & Josh Pruitt called me in office. Dave said the girl from Kraiburg came to Old Dominion to talk with him about me. She told Dave I asked her for a date. She said no. So then I said why because your girlfriend gay.

I told Dave that was not true. I did not never ask her for a date. And I definitely did not insinuate she was gay in no shape form or fashion.

Dave said it could be sexual harassment so hand me your keys and fuel cards. Dave said you are not fired.

(5)

Corporate also got complaint.  
They gone evaluate it and  
I will let you know.

ON Friday April 25<sup>th</sup>  
Dave called and told me  
it was a terminating offense.  
so I was fired.

ON Monday April 28<sup>th</sup> talked  
with Greg Gert second in  
command he said he had not  
heard about it until today.

On Tuesday April 29<sup>th</sup> talked  
to Ken Ludwig Human Resource  
Vice President at 336-822-5854  
he informed me I was terminated  
because I made someone  
feel uncomfortable. He said  
he could not share any details,  
NOTHING AT ALL.

I asked Mr. Ludwig when  
was I terminated he said  
April 25<sup>th</sup>. Dave terminated  
me per termination notice  
April 23<sup>rd</sup>.

Edon another P.E.D truckdriver  
was asked not to come back  
on the property of Panduit,  
Inc located at 1819 Atlanta



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Hwy. Cumming, GA. 30040 because a shipping clerk name Theresa told Bob Williams that Edon can not come back to Landolt because he continuously sexually harassed her.

I know it to be true because when Old Dominion has to deliver there I deliver for them because Edon can not go there. Edon still delivers in the Cumming area but not to Landolt, Inc.

Dave went and talked to management at Landolt and worked it out. He put Edon on dock for a few weeks to see how the situation was going to work and then put him back out on the road.

My complaint is black drivers get extremely harsh treatment such as automatic termination no questions asked but other drivers get no punishment.

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Dave did not let the Edon situation get to corporate. Because when I talked to Greg Gant he knew nothing about it.

Chris Johnson got into a heated argument at Toyota in Pendergrass. Dave covered him.

Drivers gets complaints all the time but Dave does not fire them. He makes differences in drivers.

I was the first black driver at terminal. ~~many~~ black drivers has been terminated for the same thing white drivers get by with.

See back for compensation calculations

15. Plaintiff ☒ still works for defendant(s)  
☒ no longer works for defendant(s) or was not hired
16. If this is a disability-related claim, did defendant(s) deny a request for reasonable accommodation?        Yes        No
- If you checked "Yes," please explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
17. If your case goes to trial, it will be heard by a judge unless you elect a jury trial. Do you request a jury trial? ☒ Yes        No

### **Request for Relief**

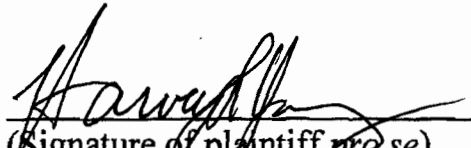
As relief from the allegations of discrimination and/or retaliation stated above, plaintiff prays that the Court grant the following relief (check any that apply):

- Defendant(s) be directed to treat all drivers  
regardless of race the same. Equal disciplines.
- Money damages (list amounts) see attachment
- ☒ Costs and fees involved in litigating this case
- ☒ Such other relief as may be appropriate

**PLEASE READ BEFORE SIGNING THIS COMPLAINT**

Before you sign this Complaint and file it with the Clerk, please review Rule 11 of the Federal Rules of Civil Procedure for a full description of your obligation of good faith in filing this Complaint and any motion or pleading in this Court, as well as the sanctions that may be imposed by the Court when a litigant (whether plaintiff or defendant) violates the provisions of Rule 11. These sanctions may include an order directing you to pay part or all of the reasonable attorney's fees and other expenses incurred by the defendant(s). Finally, if the defendant(s) is the prevailing party in this lawsuit, costs (other than attorney's fees) may be imposed upon you under Federal Rule of Civil Procedure 54(d)(1).

Signed, this 5 day of January, 20 15

  
(Signature of plaintiff *pro se*)

Harvey Lewis Young  
(Printed name of plaintiff *pro se*)

5248 Hopewell Lane  
(street address)

Gainesville, GA. 30507  
(City, State, and zip code)

Young52482011@yahoo.com  
(email address)

678-936-8538  
(telephone number)



Lost job April 23<sup>rd</sup>, 2014

Begin another job June 27<sup>th</sup>, 2014

(OD) 24.40

(WF) 17.00

7.40 difference

get 75¢ raise  
every 6 months

$$\begin{array}{r} 9.86 \\ .75 \overline{) 7.40.00} \\ \underline{6.75} \phantom{00} \\ 650 \\ \underline{600} \phantom{00} \\ 500 \\ \underline{450} \phantom{00} \\ 50 \end{array}$$

Lost: 3 weeks vacation  
3 sick days

9 wks. out of work

50 hrs. x 24.40

1220.00 x 9 =

\$10,980.00

10 @ .75 = 7.50

2 a year = 5 years

work wk 45 hrs.

7.4 difference x 45 hrs.

work wk = 333.00 per week

Vacation

3 wks = 40 x 24.40

976 x 3 =

2928

3 sick days

585.00

333 p/w x 52 wks a year = 17,316.50

17,316.50 p/y x 5 yrs = 86,580

86,580.00

2,928.00

585.00

90,093.00